REMARKS

This paper is submitted in response to the Office Action dated February 8, 2008. Claims 1-2 were previously cancelled, claims 3-6 and 8-32 are amended herein, and no new claims have been entered. Thus, claims 3-32 remain pending in the application. Claims 3-6 and 8-32 have been amended principally to clarify terms that were previously set forth, and no new matter has been entered. Support for all of the amendments herein is found throughout the specification as originally filed, although the Examiner's attention is particularly directed to the following:

(i) Paragraph [0048] with particular reference to a "standardized data file";

(ii) Paragraph [0048] with particular reference to a "library of predetermined relationships between and among particular markets";

(iii) Paragraph [0047] with particular reference to a "quantified business model"; and

(iv) Paragraph [0048] with particular reference to a "complete business model that accurately reflects the forecasted success of a particular business development transaction." With regard to the phrase "in the form of a financial simulation," support is found at least in paragraph [0013], which states "[t]he system evaluates the existence of a potential relationship between users warranting investigation of a potential business development transaction, creates a model of an anticipated business development transaction, and provides various levels of adjustment of the financial construct of the transaction." Likewise, Applicants note that throughout the specification, reference is made to the modeling of a hypothetical business development transaction, which model simulates the joining of two disparate products or services and in such simulation provides the relevant financial data necessary to inform the parties of the financial success of such a transaction.

1. Drawings

The Examiner objected to the drawings stating that "Fig. 10 contains an embedded hyperlink and/or other form of browser-executable code." Applicants respectfully disagree. Figure 10 does not provide an embedded hyperlink, buy merely a schematic, visual representation of data elements in an exemplary business development file record, one of which elements includes the subject entity's web address. Such information is provided in order to meet the requirements of 35 U.S.C. §112, first paragraph, as it forms a part of Applicants' description of their invention. As noted in the relevant portion of M.P.E.P. §608.01, "[w]here the hyperlinks and/or other forms of browser-executable codes themselves rather than the contents of the site to which the hyperlinks are directed are part of applicant's invention and it is necessary to have them included in the patent application in order to comply with the requirements of 35 U.S.C. 112, first paragraph, and applicant does not intend to have these hyperlinks be active links, examiners should not object to these hyperlinks. The Office will disable these hyperlinks when preparing the text to be loaded onto the USPTO web database." In the instant case, the depicted web address is exemplary only, does not reflect an active link, and in fact the subject matter at any website present at such web address is entirely irrelevant to Applicants' invention. It is thus respectfully requested that the objection to the drawings be withdrawn.

2. Rejection of claims 3-32 under 35 U.S.C. 103(a)

The Examiner has withdrawn the prior rejection of claims 3-32, and has issued a new rejection of claims 3-32 under 35 U.S.C. 103(a) as being unpatentable over Harrell et al. ("Harrell," U.S. Pub. No. 2002/0016727) in view of Leong et al. ("Leong," U.S. 7,167,844), and

in further view of Thomas et al. ("Thomas," U.S. Pub. No. 2002/0147708). Applicants

respectfully traverse that rejection and again request reconsideration and withdrawal of same.

Claim 3 requires "prompting a user to create a *user business development file having a*

standardized business development file data format." First, it is submitted that the "innovation

profile" described by Harrell does not constitute a business development file having a

standardized business development file data format as recited by Applicants. However, even

assuming, *arguendo*, that the Harrell "innovation profile" meets such limitation, Applicants'

claim 3 further requires "an electronic collection of a plurality of *stored business development*

files each having said standardized business development file data format." Thus, Applicants'

claim 3 recites not only the creation of a business development file having a defined format, but

likewise the step of searching a collection of other business development files having that same

defined format. This immediately distinguishes Harrell, as Harrell nowhere teaches or suggests

searching a collection of other files having the same standardized data format as the innovation

profile, much less a collection of other files having "a standardized business development file

data format." Rather, the Examiner's cited passage from Harrell describes using a "spider"

program to generally search an undefined, and thus haphazard, collection of third party databases

for "market data, financial information, competing products, competitors and other information

relevant to the innovation," compiling that information, and adding that information into the

subject innovation profile. In other words, Harrell essentially describes attempting to search the

universe of available information on the Internet to provide additional detail to the subject

innovation profile, which in turn (assuming such could be accomplished) will result in the

creation of many different innovation profiles of variously differing formats. Notably, such

disclosure is made without detail of how an innovator user might specifically incorporate

additional details into their profile. In contrast, Applicants' system and method utilizes a standardized business development file data format shared by all business development files in the system, and it is this standardized business development file data format that "'normalizes' the business development process, creating a standardized platform that replaces the multiple stages of back-and-forth exploratory discussions traditionally necessary in prior known methods and systems for enabling business development." See the instant published application, paragraph 0048.

Moreover, amended claim 3 also requires "searching a market relationship library to identify one or more *library market segments* having a predetermined relationship to said specific market segment of said user product or service," in addition to "searching an electronic collection of a plurality of stored business development files . . . to locate at least one stored business development file *having a specific market segment matching said one or more library market segments*." Thus, the claimed method requires a first search step in which a market relationship library is consulted to identify *market segments* that relate to the market segment of the user's product or service, and a second search step in which a collection of other user's business development files (having the same data file format as the user's own business development file) is searched to find ones whose own market segments match the market segments located in the first search step. In this manner, it is unnecessary that the user know what market segments might relate to or be complementary to the market segments of their own product or service. Rather, the user may rely on the knowledge stored in the market relationships library to determine which market segments might be complementary, and in turn determine the criteria against which the collection of other parties' business development files should be searched.

In contrast, Harrell nowhere teaches or suggests such a matching process. Rather, Harrell describes a search method in which (as explained in Applicants' response to the office action of August 16, 2007) innovators search developer profiles and developers search, to a limited extent, innovator profiles. While Harrell discloses the use of a "spider" program that Harrell alleges would expand the information in an innovator's profile, the developer looking for a complementary innovation profile still must know what he is looking for – i.e., what type of innovation he wishes to develop, what market he might be interested in exploring, etc. Nowhere is there any teaching or suggestion that the developer's profile *itself*, as opposed to search criteria provided by the developer, could be used to find complementary innovation profiles. In the case of Applicants' claimed invention, it is the user's business development file itself combined with the market relationship knowledge in the market relationship library that determines the criteria for locating related business development files, and *not* merely information provided by another user's search query as envisioned by Harrell. Applicants' invention thus applies an artificial intelligence having knowledge of relationships among disparate products and services to a user's product or service description (embodied in their business development file) to identify other product or service descriptions (embodied in other user's business development files) that are complementary, whether or not that user is aware of any complementary relationship and without requiring that user to formulate a clever search query to capture all complementary third party product or service descriptions. In contrast, Harrel provides a tool merely allowing a product developer to issue a search query to a collection of innovation profiles to identify the specific innovation profile characteristics that the product developer thinks are of interest – in other words, a traditional search query issued to a database. Lacking the automatic determination and matching of related business development files, Harrel is patentably distinguished.

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Furthermore, amended claim 3 also requires the step of "initiating a mating function between said user business development file and said at least one stored business development file . . ., said mating function combining data from said user business development file, data from said at least one stored business development file, and data describing a hypothetical new business development transaction concerning a hypothetical combination of said user business development file and said at least one stored business development file." Thus, Applicants' claimed invention requires the affirmative step of combining data from three disparate sources – the user's business development file, the business development file located during the search of other users' business development files, and a collection of data that describes hypothetical business development transactions. In contrast, Harrell recites a product developer issuing a search query to a collection of innovation profiles, sifting through returned "hits" matching his query, and then deciding whether or not to select additional information about the returned innovation profiles. Nowhere does Harrell suggest that data from the innovation profile is combined with data from the developer's profile, much less that any such combination would be further combined with data that specifically describes a hypothetical business development transaction involving the developer's and innovator's respective profiles. In the case of Applicants' claimed invention, such data allows for the creation of a true financial simulation of a business development transaction involving the mating of two disparate products or services. The resulting output from Applicants' claimed invention is thus a set of financial data evidencing the success of such a simulated business development transaction. Nowhere does Harrell suggest any such collection of data for combination with either an innovator profile or a developer profile that could achieve Applicants' claimed result of a financial simulation of mated, disparate

products or services. Lacking any teaching or suggestion of any such mating function, Harrell is even further patentably distinguished.

Still further, while the Examiner notes that Harrell does not disclose "constructing a financial model of said business development transaction," the Examiner states that Leong teaches such feature and that it would have been obvious "that the innovation marketplace server of Harrell would have benefited from the teachings of Leong." Applicants respectfully disagree. Leong describes the back and forth transmission of (i) an electronic purchase order proforma invoice, (ii) a transportation document, and (iii) a shipping document – i.e., the electronic sharing of purchase and delivery documents in a typical purchase transaction between a buyer and a seller. In contrast to Applicants' system and method for matching potentially complementary goods or services of distinct parties that might not even be aware of one another, much less of potential complementary relationships between their goods or services, Leong presupposes that a buyer and seller have already connected with one another and defined the financial terms of their transaction, and will simply use the Leong system to electronically manage the purchase orders and delivery documents related to that transaction. The buyer in Leong establishes trade terms that are presented to a seller on an electronic form, which form includes a combined purchase order proforma invoice, an electronic transportation document, and an electronic shipping document. See Leong column 3, lines 37-67. It is respectfully submitted that a person of ordinary skill in the art would not look to such a system as Leong's to enhance a developer's ability to search for innovators as taught by Harrell.

Moreover, even if one were to make such combination, it is respectfully submitted that even such combination would not result in Applicants' invention. Amended claim 3 recites the step of "constructing a quantified business model of said business development transaction, said

quantified business model comprising data forecasting the success of said business development transaction in the form of a financial simulation." Neither Leong nor Harrell disclose the creation of any quantified business model, much less one that particularly includes data forecasting the success of a business development transaction in the form of a financial simulation. Rather, the cited teachings of Leong provide merely an electronic medium for transferring documents reflecting a specific purchase order and delivery terms, which elements do not in any way forecast the success of the underlying transaction, or of any business development transaction. Leong simply does not provide any mechanism by which a quantified business model may be developed, or by which data forecasting the success of a business development transaction can be provided, or by which a financial simulation can be generated, all of which are required by Applicants' claims as amended herein.

In light of the foregoing, it is respectfully submitted that (i) a person of ordinary skill in the art would not be inclined to combine the teachings of Leong with Harrell, and (ii) that even if such combination were made, the resulting combination would not yield Applicants' invention. As a result, claim 3 is even further patentably distinguished.

Claims 4-18 depend from claim 3, incorporate the same limitations therein, and are therefore also patentably distinguished. Nonetheless, Applicants note the following further distinctions:

(i) Claim 7 particularly recites a lookup table that "comprises a plurality of market segments and a plurality of correlations among at least a portion of said market segments." Again, nowhere does Harrell disclose or suggest Applicants' claimed data structure of a lookup table comprised of multiple market segments and multiple correlations among market segments. Thus, claim 7 is even further patentably distinguished.

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(ii) With regard to claims 11 -15 and 18 and the application of Thomas, the Examiner asserts in each case that "[i]t would have been obvious . . . that the innovation marketplace server of Harrell and the creating a finalized document relating to a transaction system of Leong would have benefited from the teachings of Thomas. The result would be . . ." Thereafter, again in each case, the Examiner recites a "result" described only by Thomas. For instance, with specific regard to claim 11, the Examiner supports the proposed combination by explaining that "[t]he result would be, '...a list of contractors may be identified who will receive the outsourcing information requested by the outsourcing company...'" For each of claims 11-15, the Examiner's statement fails to indicate any reason why or how such a "result" would be applicable to the innovation and developer search engines of Harrell. As best as the Examiner's arguments can be understood, it appears to resolve to an argument that it would have been obvious to combine the teachings of Thomas with either of Harrell or Leong to yield the resulting invention in Thomas. It is respectfully submitted that such argument in each case fails to establish a *prima facie* case of obviousness. Applicants respectfully note that as the Examiner has failed to make a *prima facie* case of obviousness with regard to the foregoing claims, and as a result Applicants have not yet had opportunity to properly address a substantive objection to or rejection of the subject matter of such claims, any office action that follows this response should not be made final.

As noted by the Examiner, claims 19-25 generally provide associated system limitations for the methods recited in claims 1-18. The Examiner thus noted that claims 19-25 "are therefore rejected using the same art and rational set forth above." Likewise, as claims 19-25 have been amended similarly to claims 1-18, Applicants respectfully submit that claims 19-25

are distinguished for the same reasons as set forth above, and likewise that the Examiner has failed to make a *prima facie* case of obviousness for the same reasons as set forth above.

Moreover, claim 26 is believed to be patentably distinguished for the same reasons as set forth above with regard to claim 3. Likewise, claims 27-32 incorporate the same limitations as claim 26 and are therefore also patentably distinguished.
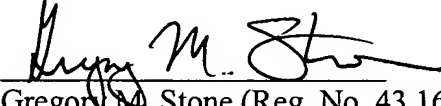
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In light of the above amendments and remarks, it is believed that all claims are in proper condition for allowance, and a notice in that regard is respectfully requested. If any further issues need be addressed prior to allowance, Applicants respectfully request that the undersigned be contacted via telephone so that such further issues can be promptly addressed.

If any fees are due in connection with the filing of this Response, such as fees under 37 C.F.R. §§ 1.16 or 1.17, please charge the fees to our Deposit Account No. 50-1479. If an extension of time under 37 C.F.R. § 1.136 is necessary and not accounted for in the papers filed herewith, such an extension is requested. The extension fee should also be charged to Deposit Account No. 50-1479.

Respectfully submitted,

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Date

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